

MINUTES OF THE PLANNING COMMISSION MEETING OF JANUARY 17, 2007 AT 6:00 P.M. HELD IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER.

MEMBERS PRESENT: Tom Bowen, Sue Ryser, Jerri Harwell, Doug Haymore, Gordon Nicholl, Amy Rosevear, Jim Keane, JoAnn Frost

MEMBERS EXCUSED: Geoff Armstrong

STAFF PRESENT: Planning Director Michael Black, Associate Planner Glenn Symes, City Attorney Shane Topham, Planning Coordinator Sherry McConkey

OTHERS PRESENT: Jennifer Peterson, Todd Peterson, James Isom, Sylvia Isom, Nancy Perkins, Robert Cooper, Ron Hansen, Richard Thompson, Scott Martin, Brian Smith, Neil Rasmussen, Sally Rasmussen, Roland Stunnker, Kelly Kiesel, Dylan Shilton, Frank Linthorst, Mike Draper, Karen Draper, Connie Misket,

Chair Bowen called the meeting to order.

1.0 PUBLIC COMMENT

1.1 No public comment was given.

2.0 ACTION ITEM - SUBDIVISION PLAT AMENDMENT – ISOM PROPERTY

2.1 Mr. Symes explained that the item was continued from the January 03, 2007 Planning Commission meeting. In response to citizen input staff put together a response to the issues raised. In regards to the traffic and safety issue; we have received a statement from our traffic engineer and based on professional standards and road width no problem was found with the driveway letting out on to Danish Road, storm water issue; city engineer looked in to this and will require the developer to have zero runoff, the third issue is the height of a house to be built on the lot. Based on the height calculation a 35 foot house could be built calculated from the original grade. Access to Danish road; Unified Fire Authority states that they cannot have a drive going down the slope due to accessibility of a fire engine. Staff is recommending approval.

2.2 Sylvia Isom asked the planning commission to approve their application based on the information that has been supplied.

2.3 Mike Kibby, provided staff with a traffic statement showing 8 accidents within 100 feet of the development. Mr. Kibby stated that the sheriff's office stated this is a problem. Height is an issue and why has staff not looked at running a street through the middle of the two lots. It does not make since to tear down a wall. Mr. Kibby stated that the water issue could be addressed and that height is still an issue for the residence of Monte Luca.

Mr. Symes displayed a map showing the actual traffic related accidents as it relates to the location of the property.

- 2.4 **MOTION:** Ms. Rosevear moved to approve the Danish terrace plat amendment based on staff's recommendation dated January 03, 2007 and with the condition that the new lot takes full water retention. The motion was seconded by Mr. Nicholl.
- 2.5 Ms. Ryser stated all requirements have been met; and there is no legal reason for this to be denied.
- 2.6 Mr. Nicholl stated the water issue would be addressed by staff with the developer, the height is based on the existing grade level, and that a retaining wall will probably be placed to help mitigate some of the water runoff issues.
- 2.7 Ms. Rosevear stated that the commission appreciates the feedback received by the citizen and hopes that all the concerns have been answered and believes this should be approved.
- 2.8 Mr. Keane asked how water retention is normally accomplished.
- Mr. Symes stated that water is normally directed to a larger regional system. This property is unique; it is not connected to another storm water system.
- 2.9 Chair Bowen explained that under state law has been mandated that conditional uses be approved unless there is compelling reason to deny them.
- 2.10 **AMENDED MOTION:** Ms. Rosevear moved to approve the Danish terrace plat amendment based on staff's recommendation and report dated January 03, 2007. The new plat will reflect the addition of a lot, grant access to Danish Road and will remove the requirement of the non scalable wall. Mr. Nicholl accepted the changes to the motion. The motion passed unanimously on voice vote.
- 3.0 **PUBLIC HEARING – CONDITIONAL USE PERMIT – SHORT TERM RENTAL**
- 3.1 Mr. Symes explained this is request for a conditional use for a short term rental located at 3070 E. Fort Union Blvd. The applicant has met all the requirements for a short term rental and staff is recommending approval.
- 3.2 Chair Bowen opened the public hearing.
- 3.3 No public comment was given.
- 3.4 Chair Bowen closed the public hearing.
- 3.5 **MOTION:** Ms. Frost moved to approve the conditional use permit for a short term rental located at 3070 E. Fort Union Blvd. The motion was seconded by Mr. Keane and passed unanimously on voice vote.
- 4.0 **PUBLIC HEARING – CONDITIONAL USE PERMIT – DANISH HEIGHTS PUD**

- 4.1 Mr. Symes explained this is request for a conditional use for a 29 lot PUD on 10.131 acres of land located at 2878 East 7800 South and 2 additional standard lots outside of the PUD as a standard subdivision. The open space requirement has been met with a linear park. This PUD would be a gated community. Staff is recommending approval.
- 4.2 Mr. Black explained Danish Oaks Drive was planned under the County to be a collector road that would meet up with Bengal Blvd. It has been quite some time since that decision was made and the County opted to expand Danish Road which connects from Creek Road to Bengal Blvd which accomplished the need at that time. Staff took a look at this and believes that it is not necessary to open the road at this time; however, the road is slated to be opened at some point. Today, the portion of road would be modified to be a landscaped area with curb gutter and sidewalk. The City Council can determine the need to open the road in the future. The developer would pay for these improvements.
- 4.3 Robert Cooper, Cooper Enterprises stated that they have worked closely with staff and approves of the recommendations that have been made.

4.4 Chair Bowen opened the public hearing

- 4.5 Sally Rasmussen, 7988 Stauning Cove asked how the contractors would gain access to the development and was concerned about the narrowness of the road on Denmark Drive.

Mr. Black stated that the construction vehicles would access the site using public streets, possibly Denmark or Swiss Oaks.

Ms. Rasmussen asked if Bengal Blvd could open up to allow for access.

Mr. Black stated there are significant geological blocks that would need to be addressed to allow for the opening of Bengal and this would cause an undue financial burden when other roads are available.

- 4.6 Neil Rasmussen stated he was concerned with the safety of children with these big trucks coming and going.
- 4.7 Roland Stonaker, 7956 Stauning Cove asked why the gate couldn't be moved in front of the two lots that are located outside the PUD.

Mr. Black explained it was the desires of the City that the road is left alone to allow for future connect ability.

- 4.8 John Barlow, 2887 Danish Oaks Drive stated that he has had discussions with staff regarding the roads and that staff has made changes based the letter that he provided to staff and would like it mentioned at any future meetings regarding this project.

Chair Bowen advised Mr. Barlow to keep copies and to submit them again if needed.

- 4.9 **MOTION:** Ms. Rosevear moved to approve the Danish Heights PUD with the conditions listed in the staff report dated February 07, 2007 and the addition of landscaping on Danish Oaks to be approved by staff prior to the plat being recorded. The motion was seconded by Mr. Haymore.

- 4.10 Mr. Keane asked staff if other options were discussed in regards to the fence.

Mr. Symes stated that no other fencing materials were discussed.

Mr. Keane explained that a vinyl fence may not be the best for this project and would like to see the developer return with other options for the 6' fence.

Mr. Haymore stated that the vinyl fence would look better than wood, except when it chips, cracks, and therefore believes the matter should be addressed at an appropriate time.

- 4.11 Mr. Nicholl asked if the city has the authority to require the construction vehicles to be cleaned and clear of debris, prior to entering the roadways and to regulate the hours of construction.

Mr. Topham stated that the city has the ability to restrict times, and enforcing the companies to keep the vehicle clean.

Mr. Black explained that a preconstruction meeting will take place and these issues are addressed during that time. The jobsite is inspected periodically to ensure compliance. Mr. Black reminded the public to call and report any violations.

- 4.12 Chair Bowen asked Robert Cooper if there is another option other than the vinyl fence.

Robert Cooper explained that the vinyl seemed to be the best option to keep in line with the architecture and is the cost effective.

- 4.13 **RESTATED MOTION:** Ms. Rosevear amended the motion to approve the Danish Heights PUD with the conditions listed in the staff report dated January 17, 2007, that the landscaping on Danish Oaks be reviewed by staff prior to the plat being recorded, the pedestrian gate be left open during daylight hours to allow neighborhood access and the 6' vinyl fence be brought back to the Planning Commission for approval at a later date. There was no second to this motion.

- 4.14 Chair Bowen stated that some options are available to reserve the approval of the fence to another meeting.

Mr. Black explained that options to the fence can be made available by the February 07, 2007 meeting.

Robert Cooper stated that masonry fence is cost prohibited and wrought iron is an issue due to pets and safety. The vinyl fence would be a higher end product with a two tone finish.

- 4.15 **MOTION:** Ms. Frost moved to approve the conditional use permit with the recommendations of staff with the addition that the road improvements be complete and approved by staff prior to the plat being recorded and that the 6' vinyl fence be continued to the February 07, 2007 meeting to allow the applicant time to research and obtain samples of fencing and will be voted on at that time. The motion was seconded by Mr. Keane.

- 4.16 Ms. Rosevear explained that she feels the neighborhood should have walkability accessible to the surrounding neighborhoods and that the proposed motion lacks these elements.

- 4.17 The motion passed 6-1 with Ms. Rosevear opposed.

5.0 **PUBLIC HEARING – CONDITIONAL USE PERMIT – SPRINT NEXTEL**

- 5.1 Mr. Symes explained that this is a request for conditional use from Sprint Nextel for a 95' wireless telecommunications facility to be located at Towne storage. The property is zoned CR (Regional Commercial). The applicants have applied under the stealth facility provision. This proposal has gone through the ARC three times and has discussed possible changes. The ARC did not issue a certificate of design compliance and did not recommend approval. Staff is recommending denial of the application based on the items listed in the staff report.

- 5.2 Connie Misket explained that the problem is the taller buildings, terrain, and trees in the area which cause issues with radio frequency. Ms. Misket stated that a flag would always be flown and maintained by Sprint Nextel. The pole would be located at the front of the property this decision was made by the recommendations from the ARC.

- 5.3 Nickoli Bennet stated that they lost there lease on the other location and that this is the only location that would cover the entire area. The biggest problem is the terrain.

- 5.4 Ms. Frost asked what the coverage area.

Nikoli stated it would cover 3.5 miles.

- 5.5 Ms. Frost stated that this is visual pollution and is something the commission would like to stay away from.

- 5.6 Mr. Nicholl stated the Century theatres are in the process of building a new six story office complex and believed that this building would give broader coverage.

Connie stated that RF engineering issues make it impossible and that this location is too far south.

- 5.7 Ms. Ryser asked why the ARC had come to the decision to place the pole in the front.

Mr. Symes explained they felt that a flag pole should be placed in front because it is a more traditional location for a flag.

- 5.8 Chair Bowen opened the public hearing.

- 5.9 Richard Thompson explained he is the landlord of the site that Sprint Nextel currently leases and was not aware of any legal problems with the lease. The cell site is located at 7090 S. Union Park Ave. and has not had any problems with his Sprint phone. Mr. Thompson stated that there are several providers on this site and have not reported any service related problems. Mr. Thompson wanted to express his opposition to a 95' structure being placed in the city.

- 5.10 Connie Misket stated they have been attempting to negotiate their contract and not been able to reach an agreement on some legal issues regarding an "out" clause so the company can opt out of the lease incase of loss of signal or coverage problems.

Mr. Black suggested that Sprint Nextel speak to the owner of the property and continue this item to another meeting. Mr. Black stated that it seems unnecessary to have an additional pole if the issue could be resolved with some additional discussion with the current landlord.

- 5.11 **MOTION:** Ms. Rosevear moved to deny the application for 95' flagpole/stealth telecommunication facility based on the findings of staff and the Architecture Review Commission. Additionally, the proposed location of this pole is within the City's Gateway Overlay Zone and is not appropriate for such zone. The height and diameter are inconsistent with a typical flagpole and it does not meet the definition or intent of a stealth facility. Ms. Rosevear stated this is inconsistent with the code and does not meet the conditions of the ordinance. The motion was seconded by Ms. Frost.

- 5.12 Mr. Keane asked what the impact would be to Sprint/Nextel if the applicant was denied.

Connie Misket explained the impact would be detrimental to Sprint/Nextel customers.

- 5.13 Motion passed 4-3 with Mr. Keane, Mr. Haymore and Mr. Nicholl opposed.

6.0 ACTION ITEM – AMENDMENTS TO TITLE 19 – PLANNED UNIT DEVELOPMENT

- 6.1 Mr. Black gave an update to the commissioners on the changes to the PUD ordinance since the last meeting and asked the commissioners for there input.

- 6.2 The commission and staff had discussed additional changes to the ordinance, to include; The Planning Commission will be authorized to adopt by resolution; rules, regulations, and guidelines to accomplish the permissive purposes of this chapter.

- 6.3 Mr. Black explained that an addition to the code needs to be 500 feet to the cul-de-sac.
- 6.4 MOTION: Mr. Nicholl moved to approve the ordinance with the addition of; The Planning Commission will be authorized to adopt by resolution; rules, regulations, and guidelines to accomplish the permissive purposes of this chapter. The motion was seconded by Ms. Ryser and passed unanimously on voice vote.
- 7.0 **APPROVAL OF MINUTES**
- 7.1 Mr. Nicholl moved to approve the minutes as amended for December 06, 2006. The motion was seconded by Mr. Haymore and passed unanimously on voice vote.
- 8.0 Election of Vice-Chairperson
- 8.1 Mr. Nicholl was re-elected unanimously on voice vote for the Vice-chair position for the 2007 year.
- 9.0 **DISCUSSION ITEM – COTTONWOOD PAWN CONDITIONAL USE VIOLATIONS**
- 9.1 Mr. Black stated that conditional use violations have been reported on the pawnshop placing temporary signs on the property, which is in violation of the code. This item will be added to the next agenda for possible revocation of the conditional use permit.
- 10.0 MOTION: Ms. Ryser moved to adjourn the meeting. The motion was seconded by Ms. Frost and passed unanimously on voice vote.

Meeting adjourned at 9:04 p.m.

Approved: 2-21-07 sm